



Attorney Docket No.: 2488-1-011


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Wynne WESTON-DAVIES  
SERIAL NO. : 10/551,482 EXAMINER: Mertz, Prema Maria  
FILED : July 31, 2006 ART UNIT: 1646  
FOR : HISTAMINE BINDING COMPOUNDS FOR TREATMENT METHOD  
FOR DISEASE CONDITIONS MEDIATED BY NEUTROPHILS

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 12, 2009.

Carolyn Di Meglio  
(Name of Depositor)

  
(Signature and Date)

AMENDMENT AND RESPONSE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Office Communication dated January 29, 2009, issued in connection with the above-identified Application, having a due date for response extended by one (1) month so as to expire March 29, 2009, please consider the following amendments and remarks. A Petition for a One-Month Extension of Time is forwarded herewith.

The Office Action indicates that the present application apparently fails to contain sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2) and allegedly fails to comply with the requirements of 37 CFR 1.821 through 1.825. More specifically, the Action requires that the amino acid sequence of EV131, as recited in WO 97/44451 and referred to in the instant Specification, should be recited in the instant Specification because there are multiple names for this protein.

Responsive thereto, Applicant submits a Substitute Sequence Listing that includes the amino acid sequence EV131 and is designated therein as SEQ ID NO : 6. No issue of new matter is hereby introduced.

Applicants request favorable consideration and entry of the Amendment and Substitute Sequence Listing submitted herewith and further favorable processing of the present application.

No additional fees are believed to be necessitated by the foregoing amendments. However, should this be erroneous, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or credit any overages.

Respectfully submitted,



Sarah J. Fashena, Ph.D.  
Agent for Applicant(s)  
Registration No. 57,600

KLAUBER & JACKSON LLC  
411 Hackensack Avenue  
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Date: March 12, 2009

Enclosure: Petition for a One-Month Extension of Time



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**AMENDMENT**

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Sir:

In accordance with 37 CFR 1.821 - 1.825, please amend the above-identified Application as follows: